REMARKS

Applicants thank the Examiner for extending the courtesy of a personal interview of July 8, 2005. The amendments above and remarks below reflect the substance of the interview. Reconsideration of the application is respectfully requested.

Claims 1-29, and 31-35 are pending. Claim 30 has been cancelled. Claims 14 and 20 have been amended. New claims 33-35 have been added.

Claim 14 was amended to recite among other things *being substantially free of propylene crystallinity*. Support for the amendment may be found, for example, in paragraph [0026], on page 9.

Claim 20 was amended to correct a typographical error.

New claims 33-35 also find support, for example, in paragraph [0026], on page 9.

Thus, Applicants respectfully submit that no new matter has been added.

DOUBLE PATENTING

Claims 1-32 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-45 of U.S. Patent No. 6,642,316 for the reasons stated on page 2 of the Action. Applicants submit herewith a terminal disclaimer along with the requisite fee and respectfully request that the rejection be withdrawn.

Claims 1-32 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,342,565 for the reasons stated on page 3 of the Action. Applicants

submit herewith a terminal disclaimer along with the requisite fee and respectfully request that the rejection be withdrawn.

Claims 1-32 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 32-58 (*sic*) of Serial No. 10/856,545 for the reasons stated on page 3 of the Action. Applicants submit herewith a terminal disclaimer along with the requisite fee and respectfully request that the rejection be withdrawn.

Claims 1-32 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 32-58 (*sic*) of Serial No. 10/896,549 for the reasons stated on pages 3-4 of the Action. Applicants submit herewith a terminal disclaimer along with the requisite fee and respectfully request that the rejection be withdrawn.

35 U.S.C. § 102

Claim 30 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,011,891 to Spenadel *et al.* for the reasons stated on page 4 of the Action. Applicants have cancelled claim 30 with leave to file a continuing application to its subject matter and respectfully request that the rejection be withdrawn.

Claim 30 was also rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,245,856 to Kaufman *et al.* for the reasons stated on page 4 of the Action. Applicants have cancelled claim 30 with leave to file a continuing application to its subject matter and respectfully request that the rejection be withdrawn.

35 U.S.C. § 103

Claims 1-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,642,316 to Datta *et al.* (herein "Datta") for the reasons stated on page 5 of the Action. Applicants respectfully disagree. Datta was patented on November 4, 2003, having a priority date of July 1, 1998. Therefore, Applicants

respectfully submit that Datta constitutes prior art only under 35 U.S.C. § 102(e) against this application having a priority date of October 17, 2002.

As such, Applicants invoke the provisions under 35 U.S.C. § 103(c) asserting that the *subject matter developed by another person, which qualifies as prior art under only one or more subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person*, the same person being ExxonMobil Chemical Patents Inc. Thus, Applicants respectfully request that the rejection be withdrawn.[1]

Claims 1-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,342,565 to Cheng *et al.* (herein "Cheng") for the reasons stated on pages 5-6 of the Action. Applicants respectfully disagree.

Cheng teaches, among other things, blends of a First Polymer Component (FPC), optionally, with an FPC(2), and a Second Polymer Component (SPC). The SPC may be selected from a variety of crystalline polypropylene polymers disclosed, for example, at column 10, line 25, bridging column 11, line 55. The FPC comprises a crystallizable copolymer of propylene and another alpha-olefin. (*See, e.g.*, col. 5, lines 36-44. In particular, the FPC comprises an average *propylene* content by weight of at least 60% and more preferably at least 75%. (*See, e.g.*, col. 6, lines 51-60).

In contrast, Applicants claim at least a three component blend (*see, e.g.*, claims 1, 14, 31, and 32) wherein at least one component comprises an ethylene α-olefin polymer (claim 1); an ethylene α-olefin copolymer (claim 31); an ethylene α-olefin polymer component (claim 32); or is substantially free of propylene

[1] Applicants note that WO 00/01766 is within the Datta family of patents and patent application publications. Should the Examiner make a similar rejection using as a basis the PCT publication,

crystallinity (claim 14; *see also* new claims 33-35). These recitations are further elucidated in the Specification, for example, in paragraph [0028], on page 9, describing monomer constituents of the aforementioned components, and in paragraph [0026], on page 9, defining the meaning of substantially free of propylene crystallinity. Thus, Applicants respectfully submit that Cheng does not provide a teaching or suggestion of every element of the pending claims as required to establish a *prima facie* case of obviousness. As such, Applicants respectfully request that the rejection be withdrawn.

Applicants respectfully solicit a prompt notice of allowance. Applicants invite the Examiner to telephone the undersigned attorney if there are any issues outstanding which have not been presented to the Examiner's satisfaction.

Respectfully submitted,

July 14, 2005
Date

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Applicants respectfully submit that the pending claims would be patentable over the PCT publication for similar reasons as stated in Applicants' response to Cheng.